

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 3:23-CR-35-TAV-JEM
DANIELLE L. PRICE and)	
LARRY O. WALKER,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or recommendation as appropriate. This case is before the Court on Defendant Danielle Price’s Motion to Continue Trial and Other Related Deadlines [Doc. 71], filed on December 28, 2023, and Defendant Larry Walker’s Motion to Adopt And/or Join in the Motion to Continue Trial and Other Related Deadlines Filed By Co-Defendant Danielle Price (“Motion to Adopt”) [Doc. 72], filed on December 29, 2023.

In her motion [Doc. 71], Defendant Price asks the Court to continue the January 30, 2024 trial date and December 29, 2023 plea deadline for approximately ninety days. On December 4, 2023, this Court issued a Memorandum Opinion and Order [Doc. 70] on Defendant Price’s Motion to Suppress [Doc. 36] and the Motion for Determination of Validity of Search Warrant Based on *Franks v. Delaware* [Doc. 52]. Defendant asserts that in light of the Court’s ruling, “the parties continue to work toward a resolution of this matter and request additional time to continue in good faith negotiations” [Doc. 71 p. 1]. Defendant Price understands that the time between the filing of the motion to continue and a new trial date will be excluded for speedy trial purposes [*Id.*]. Defendant also states that codefendant Walker and the Government have no objection [*Id.* at 2].

Defendant Walker filed a Motion to Adopt [Doc. 72] requesting the Court allow him to join in and adopt Defendant Price's Motion to Continue [Doc. 71]. In support of his motion, Defendant Walker states that he "agrees to the continuance of the trial and related deadlines in this cause for the reasons set forth in the said Motion of co-defendant Price" [Doc. 72 p. 1]. Further, Defendant states he is aware of his rights under the Speedy Trial Act [*Id.*].

Based upon the information provided by Defendant Price and Defendant Walker in their respective motions and the lack of opposition by the Government, the Court finds the ends of justice served by granting a continuance outweigh the interests of Defendants and the public in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). In making this determination, the Court has considered the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, considering the information presented in Defendant Price's motion, the Court concludes that not granting a continuance would both result in a miscarriage of justice and deny counsel for Defendant Price the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See id.* § 3161(h)(7)(B)(i)–(iv). Defense counsel needs more time to engage in potential plea negotiations with the Government and to prepare for trial in the event plea negotiations are not fruitful. The Court finds that all of this cannot occur before the January 30, 2024 trial date.

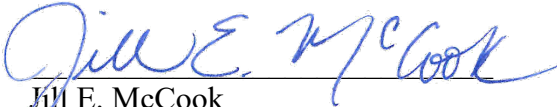
The Court therefore **GRANTS** Defendant Danielle Price's Motion to Continue Trial and Other Related Deadlines [**Doc. 71**] and Defendant Larry Walker's Motion to Adopt [**Doc. 72**]. The trial of this case is reset to **May 7, 2024**. A new, comprehensive, trial schedule is included below. Because the Court has found that the ends of justice served by granting a continuance outweigh the interests of Defendant and the public in a speedy trial, all of the time between the filing of the initial motion on December 28, 2023, and the new trial date is fully excludable time under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(1)(D), (h)(7)(A)–(B).

Accordingly, it is **ORDERED** as follows:

- (1) Defendant Price's Motion to Continue Trial and Other Related Deadlines **[Doc. 71]** and Defendant Larry Walker's Motion to Adopt **[Doc. 72]** are **GRANTED**;
- (2) the trial of this matter is reset to commence on **May 7, 2024, at 9:00 a.m.**, before the Honorable Thomas A Varlan, United States District Judge;
- (3) all time between the filing of the initial motion on **December 28, 2023**, and the new trial date of **May 7, 2024**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) the deadline for filing a plea agreement in the record and providing reciprocal discovery is **April 5, 2024**;
- (5) the deadline for filing motions *in limine* is **April 22, 2024**;
- (6) the parties are to appear before the undersigned for a final pretrial conference on **April 23, 2024 at 10:30 a.m.**; and
- (7) requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4 shall be filed on or before **April 26, 2024**.

IT IS SO ORDERED.

ENTER:


Jill E. McCook
United States Magistrate Judge